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Paper No. 11

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NEW YORK, NY 10154

In re Application of
MEYERHOEFER, CARL H.
Application No. 08/993,271
Filed: December 18, 1997
Attorney Docket No. 0720-4058

MAILED

APR 05 2001

Technology Center 2600

ON PETITION

This is a decision on the renewed petition filed February 26, 2001 requesting withdrawal of the holding of abandonment of the above-identified application.

The petition is **granted**.

This application was held abandoned for failure to timely pay the issue fee due within three months from the mail date of November 22, 1999, of the Notice of Allowance and Issue Fee Due. A Notice of Abandonment was mailed on June 12, 2000.

On June 30, 2000, Petitioner filed a petition to withdraw the holding of abandonment. That petition was denied in a decision dated January 9, 2001 for failure to establish a sufficient showing of non-receipt of the notice as required under the Manual of Patent Examination Procedure §711.03(c). Specifically, it was noted that the petition lacked 1) a statement from the practitioner stating that the Notice of Allowance was not received by the practitioner, that a search of the file jacket and docket records indicates non-receipt of the Notice, and 2) a reference to the docket records in the practitioner's statement. Petitioner was given a two month period for replying to the decision.

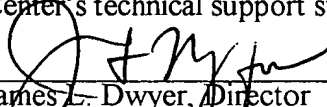
On February 26, 2001, Petitioner timely responded with this renewed petition, which properly addresses the deficiencies noted in the January 9, 2001 decision.

The showing offered now complies with the requirements of a successful petition to withdraw the holding of abandonment due to non-receipt of an office action as set forth in the Manual of Patent Examination Procedure §711.03(c). Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. Since a Notice of Allowability was originally mailed with the Notice of Allowance it is presumed that this paper was also not received.

A written request for a refund of the \$130.00 petition fee accompanied this petition. The \$130 fee has been refunded.

Due to the time lapse between the original mailing of the Notice of Allowance and the present, the file is being forwarded to the examiner for further consideration and prior art search as necessary.

If the application file remains in condition for allowance, it will then be forwarded to the Technology Center's technical support staff for mailing of a new Notice of Allowance and Notice of Allowability.


James L. Dwyer, Director
Technology Center 2600
Communications